

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

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In re: : Chapter 11
:
FIRST MODE HOLDINGS, INC., *et al.*,¹ : Case No. 24-12794 (KBO)
:
Debtors. : (Joint Administration Requested)
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**NOTICE OF APPEARANCE AND REQUEST
FOR SERVICE OF NOTICES AND PAPERS**

PLEASE TAKE NOTICE that Davis Polk & Wardwell LLP and Morris, Nichols, Arsht & Tunnell LLP hereby enter their appearances (the “**Notice of Appearance**”) in the above captioned cases as counsel to represent Anglo American Technical & Sustainability Limited, Anglo American International Holdings Limited, and their affiliates (collectively, “**Anglo American**”), pursuant to section 1109(b) of title 11 of the United States Code, rules 2002, 3017(a), 9007, and 9010 of the Federal Rules of Bankruptcy Procedure (as amended, the “**Bankruptcy Rules**”), and rule 2002-1(d) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware, and request that copies of any and all notices and papers filed or entered in these cases be given to and served upon the following:

¹ The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification number, are: First Mode Holdings, Inc. (7177), and Synchronous LLC (1829). The Debtors’ mailing address is 3417 1st Ave S, Seattle, WA, 98134.

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PLEASE TAKE FURTHER NOTICE that this constitutes not only a request for service of the notices and papers referred to in the Bankruptcy Rules specified above, but also includes, without limitation, a request for service of all orders and notices of any application, motion, petition, pleading, request, complaint, or demand, whether formal or informal, whether written or oral, and whether transmitted or conveyed by mail, courier service, hand delivery, telephone, facsimile transmission, email or otherwise, that (1) affects or seeks to affect in any way any rights or interests of any creditor or party in interest in these cases, with respect to (a) the debtors in the above-captioned cases (the “**Debtors**”) and any related adversary proceedings, whether currently pending or later commenced, (b) property of the Debtors’ estates, or proceeds thereof, in which the Debtors may claim an interest, or (c) property or proceeds thereof in the possession, custody, or control of others that the Debtors may seek to use, or (2) requires or seeks to require any act or other conduct by a party in interest.

PLEASE TAKE FURTHER NOTICE that this Notice of Appearance and any subsequent appearance, pleading, claim, or suit is not intended and shall not be deemed to waive the rights of Anglo American: (1) to have an Article III judge adjudicate in the first instance any case, proceeding, matter, or controversy as to which a bankruptcy judge may not enter a final order or judgment consistent with Article III of the United States Constitution; (2) to have final orders in a non-core case, proceeding, matter, or controversy entered only after an opportunity to object

to proposed findings of fact and conclusions of law and a de novo review by a district court judge; (3) to trial by jury in any case, proceeding, matter, or controversy so triable; (4) to have the reference withdrawn by the United States District Court in any case, proceeding, matter, or controversy subject to mandatory or discretionary withdrawal; or (5) any other rights, claims, actions, defenses, setoffs, or recoupments to which Anglo American is or may be entitled under agreements, in law, or in equity, all of which rights, claims, actions, defenses, setoffs, and recoupments expressly are hereby reserved.

Dated: December 16, 2024
Wilmington, Delaware

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

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